IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1126 of 1986
WITH
CIVIL APPLICATION No. 1259 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NATIONAL INSURANCE CO.LTD. - Appellant(s)
Versus
BHANUPRASAD MANSUKHLAL PANDYA & 3 - Defendant(s)

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Appearance :
MR RAJNI H MEHTA for Appellant(s) : 1,
NOTICE NOT RECD BACK for Defendant(s) : 1 - 2.
MR CHETAN K PANDYA for Defendant(s) : 3 - 4.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 30/11/2006

ORAL JUDGMENT

The parties have arrived at amicable settlement and have

requested that the appeal be disposed of in accordance with the terms of the settlement. Hence, the following order :-

1. At the request of the learned counsel for the appellant Mr. Rajni H Mehta and learned counsel Mr. Chetan Pandya, for all the respondents, the judgment and award dated 20th June, 1985 passed by the Motor Accident Claims Tribunal [Aux.], Narol in M.A.C. Petition No. 555 of 1983 is quashed and set aside and award of Rs.15,000/= with proportionate costs and interest at 12% p.a., under section 92-A of the Motor Vehicles Act, 1939 as “No Fault Liability” is passed in full and final settlement of the claimants' claim.

2. By order of the Division Bench [Coram : S B Majmudar & I C Bhatt, JJ.] dated 14th September, 1986, Rs.5,000/= were given to each of the original claimants nos. 1 and 2, respondents nos. 1 and 2 herein. Rest of the amounts have been deposited in the Fixed Deposits and interest accruing thereon have been paid to the original claimants as per the order of the Division Bench.

3. It has been agreed by the appellant that the appellant would not claim the interest already paid to the claimants by the Tribunal as per the order of the Division Bench.

4 (i) If the amount invested by order of the Court [Coram : S B Majmudar & I C Bhatt, JJ.] dated 14th September, 1986 is withdrawn, in that event all the respondents undertake to pay Rs.70,000/= to the appellant – insurance company, National Insurance Company Ltd., within six months from today.

4 (ii) If the amount is still lying in FDR as per order of the Division Bench, then in that event, the Tribunal is directed to pay Rs.15,000/=, costs and interest at 12% p.a to the original claimants, less Rs.10,000/= already paid. Rest of the amounts be paid back to the appellant – insurance company.

In the result, appeal is partly allowed. There shall be no order as to costs.

In view of the above, Civil Application No. 1259 of 1986 does not survive and it is disposed of accordingly. Rule is discharged.

Registry is directed to forthwith retransmit the R & P to the concerned Tribunal.

[Akshay H Mehta, J.]

* Pansala.